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COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND 23218-2120

March 10, 2000

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S. W.  
Washington, D.C. 20554

**Petition for Review**

**CC Docket Number 96-45**

Dear Ms. Salas:

Enclosed for your consideration is an original and five copies of a Petition for Review from the Virginia Department of Education of behalf of Universal Service, E-Rate applicants in the Commonwealth of Virginia with Attachment.

Should you have any questions, please contact me directly at (804) 692-0335.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Weisger".

Greg Weisger  
E-Rate Coordinator

No. of Copies rec'd 015  
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*Original*

Before the Federal Communications Commission  
Washington DC 20554

In the Matter of

Petition for Commission Review  
of Certain Virginia Universal  
Service Applications

Federal-State Joint Board on  
Universal Service

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CC Docket No. 96-45

The Virginia Department of Education requests Federal Communications Commission (FCC) accommodation of certain Universal Service, E-Rate applications for discounted telecommunications service, Internet access, and internal connections. We also ask that the Commission more closely monitor actions by the Schools and Libraries Division (SLD) and its contractors.

On November 18, 1999, the Virginia Department of Education issued a statewide notice that Universal Service, E-Rate funding may be available for year two applicants (Attachment A). The Department urged applicants to file forms 470 for new year two services, or file forms 471 for services for which a form 470 previously had been filed. This advice was repeated at training sessions in December 1999. A number of Virginia applicants filed forms 470 in November, December, and January 1999, for year two services. Another group of Virginia applicants filed forms 471 requesting funding for year two services prior to March 2, 2000, but after November 18, 1999.

The Department has learned that the Schools and Libraries Division contractor failed to post form 470 applications in a timely manner for Virginia applicants from Madison County, Northampton County, Hampton City, Richmond County, Greene County, and Culpeper County. We understand that a number of forms 470 were returned to applicants without being posted on the Web site. We also know of at least one year two form 470, from Pulaski County, was posted on the SLD year three Web site.

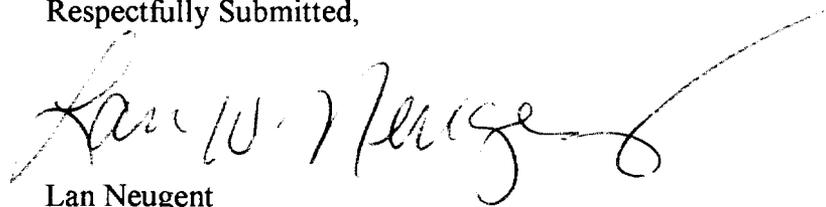
The Schools and Libraries Division is required under CFR Title 47, Part 54, Subpart F, Section 54.504 (b)(3) to post form 470 requests for service on its website. The Schools and Libraries Division failed to post forms 470 for the above Virginia applicants in a timely manner, resulting in a loss of funding opportunity from the time the applications should have been posted to the time they were actually posted. Further, because the forms 470 in question were not posted until mid-February 2000, contracts for those services cannot be signed before mid-March, at which time forms 471 may be submitted. Applications submitted between March 2 and March 31, 2000, will fall under the "Rules of Priority" and may not receive funding, because of limited availability of funds.

By searching the posted forms 470 on the SLD Web site, we have identified other affected applicants in Tennessee, Vermont, North Carolina and California, although it appears Virginia has the largest number.

We ask that the above named Virginia applicants, and any other Virginia applicant the Virginia Department of Education, SLD, or FCC may identify as having filed timely year two 470 or 471 applications be granted the opportunity to receive funding for equipment and services retroactive to the time their applications should have been posted on the SLD Web site. We also ask that all form 470 applications incorrectly posted as year three services be considered as year two postings. Finally, We ask the FCC to investigate the reason for the apparent disregard for FCC regulations by the SLD.

In the alternative, we ask that the FCC designate School and Library Program year one unspent funds to year two 471 applications received by SLD between March 2, and March 31, 2000. We ask that sufficient funds be allocated to fund all approved applications received during this period.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lan Neugent", with a long, sweeping flourish extending to the right.

Lan Neugent  
Assistant Superintendent for Technology

Virginia Department of Education  
Post Office Box 2120  
Richmond, VA 23218

March 10, 2000

**Subject: E-Rate Update****Date:** Thu, 18 Nov 1999 16:20:03 -0500**From:** greg weisiger <gweisige@pen.k12.va.us>**Organization:** Virginia Dept. of Education

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## **E-Rate Update November 18, 1999**

### **Filing Window Opens for Year Three**

The year three filing window for services received between July 1, 2000 and June 30, 2001 is now open! The filing window is scheduled to close January 19, 2000. All E-Rate discount applications received during the window will be treated as if they were received at the same time. The last possible day to safely file a form 470, wait 28 days, sign a contract, file a form 471, and have it delivered to Kansas is about December 17.

### **Year Two Funding Commitments Finished – Virtually**

According to Kate Moore, President of the Schools and Libraries Division, funding commitment wave 20 is being released today. Today's mailing represents the last major funding release for year two. There are only a few year two applications, that arrived within the year two window, remaining to be processed. Moore said that about 2000 applications have arrived since the window closed on April 6, 1999.

Virginia schools and libraries have received almost \$25 million in commitments for year two. Thus far, 118 Virginia school divisions have received funding commitments for year two. Once a commitment letter has been received, applicants must file form 486 to begin the discount process. In some cases a form 472 must also be filed for applicants receiving retroactive discounts.

### **Not too Late to File for Year Two Discounts**

Applicants that did not file for discounts for year two, had applications denied or rejected, or have need of additional services should file a new form 471 for year two funding now. As the Schools and Libraries Division closes the books on year one, a large amount of money collected for the program has gone unspent – perhaps hundreds of millions of dollars. Librarians and educators have urged the Federal Communications Commission to use this money to fund year two applications received outside the filing window. The FCC is expected to act on these requests shortly. Applications received outside the filing window will be funded on a first-come-first-served basis. Currently there are approximately 2,000 applications waiting for funding representing about \$200 million. It is estimated that the year one carryover funds will be more than sufficient to fund all 2,000 applications plus more!

Applicants that filed a form 470 for existing contracts or services that have already started can file a form 471 requesting funding as early as July 1, 1999, or when services began – whichever is later. Applicants that have never filed a form 470 should have it posted on the SLD website now and file a form 471 after the 28 day posting period.

See the Department of Education E-Rate website for more information on filing:  
<http://www.pen.k12.va.us/VDOE/Technology/erate.html>

Because funding will be granted on applications in the order that they are received, Virginia schools and libraries are urged to submit applications as soon as possible!

Contact Greg Weisiger at (804) 692-0335 for assistance with applications, appeals, or the E-Rate process.

### **Details on Statewide Contracts**

The Commonwealth has a number of statewide contracts public schools and libraries can utilize. Information on those contracts is listed below:

Network Virginia

To be E-Rate Eligible, Network Virginia services must be ordered directly from Virginia Tech.  
Contact Jeff Crowder (540) 231-3300

Information on the Network Virginia contracts is available at: <http://www.networkvirginia.net/>

Universal Service Control Number for both contracts: 746400000117260

SPIN for Bell Atlantic: 143001422

SPIN for Sprint 143005695

#### Department of Information Technology Contracts

Information on DIT contracts is available at: <http://www.dit.state.va.us/usf/usf.htm>

DIT holds contracts for long distance services, routers, switches and other hardware.  
Contact Suzanne Piland at (804) 371-5544 for details on E-Rate eligible services.

The Department of Education does not endorse one contract over another, but provides this information as a service to schools and libraries.

The Department of Education does endorse the Technology Leadership Conference at the Hotel Roanoke December 13 through 15. Two E-Rate training sessions are scheduled. Bring applications, appeals and E-Rate questions!

Greg Weisiger